

Chairman Tim Schram called the regularly scheduled meeting to order at 10:02 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Gerald Vap present. Chairman Schram invited the public to address the Commission and also announced that a copy of the Nebraska Open Meetings Act was posted in the meeting room. No announcements were made.

GENERAL ADMINISTRATION

Notice was duly published September 20, 2011 on Page 3 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held September 27, 2011 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Tuesday, September 27, 2011:

- 1:30 Commission Hearing Room, Lincoln. Commissioner Tim Schram presiding as Hearing Officer:
- RVF-5 In the Matter of the Commission, on its own motion, seeking to determine the fees for the Recreational Vehicle Program.
- MODF-5 In the Matter of the Commission, on its own motion, seeking to determine the seal fee amount for the Modular Housing Program.
- MANF-4 In the Matter of the Commission, on its own motion, seeking to determine the seal fee amount for the Manufactured Home Program.

COMMUNICATIONS DEPARTMENT

Rod Armstrong and Connie Hancock provided a report on the Broadband conference to be held November 1, 2011, at the Cornhusker Hotel and an update on other planning team activities.

FC-1358 In the Matter of the Formal Complaint of Allo Communications, LLC, Imperial, Nebraska, v. United Telephone of the West d/b/a CenturyLink, Qwest Corporation, Monroe, Louisiana, alleging overcharges due to incorrect provisioning of service. Gene Hand informed the Commission that a Hearing Officer order was entered on September 23, 2011, granting the motion for an extension of time to answer. Commissioner Jerry Vap was appointed as Hearing Officer.

Gene Hand discussed the Annual Report the staff intends to file with the Legislature no later than September 30, 2011.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand discussed the TRS Late-Filed Remittances: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, that complaints be opened against Airespring, Inc.; Ernest Communications, Inc.; KDDI America, Inc.; Long Lines Siouxland LLC, and NOS Communications, Inc., that a one-time waiver be issued to KDDI America, Inc., and that a late-fee be levied against Nebraska Technology & Telecommunications. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

Gene Hand informed the Commission that a Hearing Officer order was entered September 23, 2011, setting a procedural schedule for the complaints in Dockets FC-1332 and FC-1335 and scheduling a hearing for December 20, 2011, at 10:00 a.m. in the Commission Hearing Room, Lincoln and continuing to December 21, 2011, if necessary. Commissioner Tim Schram presiding as Hearing Officer.

FC-1332 In the Matter of the Formal Complaint of Orbitcom, Inc., Sioux Falls, South Dakota, seeking a determination that AT&T Communications of the Midwest, Inc., Denver, Colorado, failed to pay intrastate access charges billed by Orbitcom in accordance with Orbitcom's intrastate switched access tariff.

FC-1335 In the Matter of the Formal Complaint of AT&T Communications of the Midwest, Inc., Denver, Colorado, seeking a determination that OrbitCom, Inc., Sioux Falls, South Dakota, failed to negotiate intrastate access charges and that OrbitCom's tariffed intrastate switched access rates are unfair and unreasonable.

Gene Hand distributed a Federal Communications Commission (FCC) press release announcing the creation of the Rural Call Completion Task Force which has scheduled a workshop for October 18, 2011.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska
255 Telecommunications Infrastructure and Public Safety
 Department of the Nebraska Public Service Commission,
Complainant, v. NebraskaLink, Inc., Respondents(s): Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter an order granting a one-time waiver request and dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-77 In the Matter of the Petition of the Nebraska Telecommuni-
P.O. 4 cations Association for investigation and review of pro-
 cesses and procedures regarding the NUSF: Motion made by
Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to
enter an order issuing findings, seeking comments due October 20, 2011
and scheduling a hearing for October 31, 2011 at 10:00 a.m. in the
Commission Hearing Room, Lincoln. Motion passed with Commissioners
Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap
voting AYE.

NATURAL GAS DEPARTMENT

 Motion made by Commissioner Frank Landis, seconded by Com-
missioner Rod Johnson, to approve sending a letter in response to a
written inquiry from Nebraska City Utilities regarding whether any
application to the Commission is required for extension of a natural
gas main to serve Omaha Public Power District's Power Station south-
east of Nebraska City. Motion passed with Commissioners Anne Boyle,
Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

NG-0061 In the Matter of Black Hills/Nebraska Gas Utility Company,
HS-0035 LLC, d/b/a Black Hills Energy, Omaha, seeking a General
 Rate Increase for Black Hills Energy's Rate Areas One, Two
and Three (Consolidated). Commissioner Frank Landis presiding as
Hearing Officer: Motion made by Commissioner Frank Landis, seconded by
Commissioner Rod Johnson, to enter an Order Nunc Pro Tunc on Assess-
ment Order No. HS-0035. Motion passed with Commissioners Anne Boyle,
Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

RULES AND REGULATION

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 14, Recreational Vehicles Rules
#180 and Regulations, to adopt the 2011 and 2009 editions of
 applicable code books, update related provisions, update
definitional sections, update procedures regarding seal issuance,
inspections and plan review, general language clean up and delete cer-
tain forms. Commissioner Tim Schram presiding as Hearing Officer:
Nichole Mulcahy informed the Commission that the Attorney General has
approved the rules and they will be forwarded to the Governor for
signature.

TRANSPORTATION DEPARTMENT

B-1800 In the Matter of Capeace, Inc., dba Commuter Express, Omaha seeking to acquire, through transfer, the authority granted to Hope Transportation, Inc., Omaha, in Certificate B-1557. Commissioner Anne Boyle presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter a Hearing Officer's Order continuing the video hearing previously scheduled to a date later to be determined to October 20, 2011, at 9:00 a.m. in the Commission Hearing Room, Lincoln, and the Nebraska State Office Building, Room 207, 1313 Farnam, Omaha. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

TR-186 In the Matter of Action Taxi & Limo, South Sioux City, Iowa, seeking authority to adjust its rates and charges: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Goods Tariff 7F and Tariff 22: The Tariff 7F fuel surcharge was retained at \$1.06 per mile, and the Tariff 22 fuel surcharge at \$7.08 per truck per trip.

Mark Breiner informed the Commission that the Mobility Management Steering Committee set up by the Department of Roads began its meetings on September 27, 2011.

GRAIN WAREHOUSE DEPARTMENT

GW-3 etal In the Matter of the attached list of applicants, seeking authority as a grain warehouse pursuant to Neb. Rev. Stat. Section 88-527: John Fecht presented a list of grain warehouse renewal applications for the third quarter.

Grain Dealer Division

GD-22 etal In the Matter of the attached list of applicants, seeking authority as a grain dealer pursuant to Neb. Rev. Stat. Section 75-903 (Reissue 1996): John Fecht presented a list of grain dealer renewal applications for the third quarter.

GENERAL ADMINISTRATION

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Deputy Director's recommendation to approve Commission invoices. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

AS Central Services - OCIO	\$	3,485.20
University of NE		9,424.25
Gerald Vap		782.58

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to approve the Deputy Director's recommendation to surplus vehicle number 14493, a 2007 Ford Freestar Sports Van (Chris Lenz). Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:30 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Gerald Vap present. The next regularly scheduled meeting will be held on October 4, 2011, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on October 3, 2011.

Chair man

Deputy Director